IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE ELEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 14200 of 2004

Between:

Kotla Ramakrishna, s/o Venkata Ramarao,
R/o Kothapeta, E.G. District.

..... PETITIONER

AND

1 Andhra Bank, Kakinada, represented by the Authorised Officer,
Andhra Bank, Zonal Office, Kakinada.
2 Manager, Andhra Bank, Government Headquarters Hospital Branch, Trunk Road, Rajahmundry.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of mandamus or any other appropriate writ, order, or direction, declaring the action of the respondents that they have taken possession of the entire house beyond 1/4th share of the borrower as per the notice dated 25-6-2004 as illegal, arbitrary and beyond the powers of the 1st respondent and for a consequential direction, directing the respondents to drop the proceedings to the extent of 1/4th of the petitioner's share in the building bearing D.No.5/119 measuring 823 sq.yards located at Samithi Road, Kothapeta, East Godavari District.

Counsel for the Petitioner: MR.M.LAKSHMANA SARMA

Counsel for the Respondents: MR.N.RAMAMOHANA RAO

The Court made the following:

ORAL ORDER:

Heard both the learned Counsel and at their request the main writ petition itself is being disposed of.

In this writ petition the petitioner seeks to assail the impugned notice dated 25-6-2004, whereunder the petitioner was sought to be dispossessed. Though several contentions have been urged across the bar on behalf of the petitioner, however, admittedly having regard to the pendency of the comprehensive civil suit in O.S.No.40 of 2004 on the file of the Principal Junior Civil Judge, Kothapeta, whereunder the petitioner can as well move an appropriate application seeking necessary directions or such other reliefs, to which he is entitled.

Hence, I do not find any justification to entertain this Writ Petition under Article 226 of the Constitution of India.

The Writ Petition is, accordingly, dismissed with liberty to the petitioner to file an appropriate application and seek necessary direction or relief before the Principal Junior Civil Judge, Kothapeta. No costs.

_____

11-08-2004

es/skmr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Authorised Officer, Andhra Bank, Kakinada,
Andhra Bank, Zonal Office, Kakinada.
2 The Manager, Andhra Bank, Government Headquarters Hospital Branch, Trunk Road, Rajahmundry.

3. 2CD copies